

UNITED STATES DISTRICT COURT
District of Minnesota

Equal Employment Opportunity Commission,
Adam Breaux

JUDGMENT IN A CIVIL CASE

V.

Case Number: 11-2071 MJD/LIB

Product Fabricators, Inc. and M & M
Manufacturing, Inc.

☐ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

☒ **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED THAT:

1. Plaintiff EEOC's Motion for Summary Judgment on Successor Liability is **DENIED AS MOOT**.
2. Plaintiff-Intervenor Adam Breaux's Motion for Summary Judgment on Successor Liability is **DENIED AS MOOT**.
3. Defendants Product Fabricators, Inc. and M&M Manufacturing, Inc.'s Motion for Summary Judgment is **GRANTED** as follows:
 - a. The EEOC's Complaint against Defendants is **DISMISSED WITH PREJUDICE** in its entirety;
 - b. The following count in Adam Breaux's Complaint is **DISMISSED WITH PREJUDICE**: Count One, Disability Discrimination under the Americans with Disabilities Act; and
 - c. The following counts in Adam Breaux's Complaint are **DISMISSED WITHOUT PREJUDICE FOR LACK OF SUBJECT MATTER JURISDICTION**: Count Two, Retaliatory Discharge (Minnesota Statute 176.82, subdivision 1); and Count Three, Refusal to Offer Continued Employment (Minnesota Statute 176.82, subdivision 2).
4. Defendants Objection to the Magistrate's November 7, 2012 Order is **DENIED AS MOOT**.

March 19, 2013

Date

RICHARD D. SLETTEN, CLERK

s/A. Linner

(By)

A. Linner Deputy Clerk